

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DWAYNE LAMONT SLATER,  
  
Defendant.

No. 2:03-cr-00371-JAM

**ORDER GRANTING DEFENDANT'S  
RENEWED MOTION FOR COMPASSIONATE  
RELEASE UNDER 18 U.S.C.  
§ 3582(c) (1) (A)**

Before the Court is Defendant's renewed motion for compassionate release. See Mot., ECF No. 1223. The United States opposed Defendant's motion. See Opp'n, ECF No. 1227. Defendant replied. See Reply, ECF No. 1231. For the reasons set forth below, the Court grants Defendant's motion.

In the Ninth Circuit, the decision of whether to grant or deny a compassionate release is within the sound discretion of the district court. See United States v. Aruda, 993 F.3d 797, 801 (9th Cir. 2021) (explaining district courts are "empowered to consider any extraordinary and compelling reason for release that a defendant might raise"). Here, the Court finds two factors particularly support Defendant's release: (1) a change in federal

1 law, and (2) Defendant's significant and sustained rehabilitation  
2 efforts while in custody. Accord United States v. Chan, No. 96-  
3 cr-00094-JSW, 2020 WL 1527895, at \*6 (N.D. Cal. Mar. 31, 2020)  
4 (finding defendant's "rehabilitation efforts in combination with  
5 the amendments to Section 924(c)'s stacking provisions" qualify  
6 as "extraordinary and compelling reasons to reduce his  
7 sentence").

8 Beginning with the change in law, when Defendant pled  
9 guilty, every Section 924(c) conviction required a mandatory  
10 consecutive sentence. Mot. at 7-8; Reply at 3. But the First  
11 Step Act of 2018 eliminated that mandatory "stacking"  
12 requirement. Id. As a result, Defendant would be sentenced to  
13 less time if he were sentenced today. Id. The United States did  
14 not address this change in federal law in opposition. See Opp'n.

15 Defendant's rehabilitation efforts during his almost 19  
16 years in custody also weigh strongly in favor of release. See  
17 Reply at 3-4 (summarizing rehabilitation efforts). Even the  
18 United States concedes Defendant's rehabilitation is  
19 "commendable." Opp'n at 8. Given his rehabilitation, the Court  
20 finds Defendant will not endanger the community if released.

21 Lastly, the Court finds that the relief to be granted  
22 pursuant to 18 U.S.C. § 3582(c)(1)(A) is consistent with the  
23 sentencing factors set forth in 18 U.S.C. § 3553(a). Reducing  
24 Defendant's sentence to time served would be "sufficient but not  
25 greater than necessary to comply with" the purposes of sentencing  
26 under § 3553(a).

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